

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **SACV 22-1435-KK-JDEx**

Date: November 30, 2023

Title: *Crystal Vasquez et al v. FCA US LLC et al*Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute

On December 16, 2021, plaintiff Crystal Vasquez (“Plaintiff”) filed a Complaint against defendants FCA US LLC and Lampe Chrysler Dodge Jeep Ram (“Defendants”) in state court. ECF Docket No. (“Dkt.”) 1-2. On January 28, 2022, Defendants filed Answers in state court. Dkts. 1-11, 1-12. On August 3, 2022, the action was removed to this Court. Dkt. 1.

On October 6, 2022, the Court issued a Scheduling Order requiring the parties to participate in a private mediation under the mandatory Court-Directed Alternative Dispute Resolution Program no later than September 28, 2023. Dkt. 12. The Court further ordered the parties to file a Joint Status Report no later than five days after the ADR proceeding. Id.

On October 2, 2023, the parties filed a Joint Status Report stating they “have been informally engaged in settlement discussions” and “Defendant[s] served Plaintiff[s] with a Rule 68 Offer of Settlement.” Dkt. 18. It appears, therefore, the parties did not participate in private mediation as ordered by the Court, and thus, are in violation of the Court’s October 6, 2022 order. See Dkt. 12.

Pursuant to Federal Rule of Civil Procedure 41(b), the Court may dismiss this action with prejudice for failure to prosecute or failure to comply with a court order. See FED. R. CIV. P. 41(b). Before dismissing this action, the Court will afford Plaintiff an opportunity to explain the parties’ failure to participate in the Alternative Dispute Resolution Program as directed by the Court’s October 6, 2022 Order.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed for failure to prosecute and/or comply with court orders. Plaintiff shall have **up to and including December 8, 2023** to respond to this Order.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.